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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME OF METHODS OF WORK OF THE COMMISSION.

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Note by the High Commissioner for Human Rights

1. The special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme held a meeting in Geneva from 30 May to 1 June 1994, in accordance with the request contained in the Vienna Declaration and Programme of Action (part II, para. 95).

2. The High Commissioner for Human Rights has the honour to transmit to the members of the Commission on Human Rights the report on the aforementioned meeting.

GE.94-13224 (E)

ANNEX

Report on the meeting of special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme

Geneva, 30 May - 1 June 1994

Rapporteur: Mr. Nigel Rodley

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Introduction

1. In pursuance of paragraph 95 of part II of the Vienna Declaration and Programme of Action which underlined "the importance of preserving and strengthening the system of special procedures" and specified that "the procedures and mechanisms should be enabled to harmonize and rationalize their work through periodic meetings", a meeting of special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures and advisory services programme of the Commission on Human Rights was held from 30 May to 1 June 1994 at the United Nations Office at Geneva. A list of participants is attached to this report as appendix I. It may be recalled that similar requests for the holding of periodic meetings by special rapporteurs had been made in the past by the Commission on Human Rights, most recently in resolution 1993/47.

2. While the present meeting constitutes the first formal gathering of its kind, it is recalled that one informal meeting of special rapporteurs/representatives/experts and chairpersons of working groups was held in Geneva in April 1993 during the preparatory process leading to the World Conference on Human Rights and a second informal meeting was held in Vienna in June 1993 during the World Conference to which the special rapporteurs/representatives/experts and chairmen of working groups contributed a "joint declaration" (A/CONF.157/9).

3. The impetus for bringing together the independent experts responsible for the extra-conventional implementation mechanisms of the Commission on Human Rights arose from the conviction of the experts themselves, as expressed in their joint declaration, that, notwithstanding the specificities and particularities of each mandate, the fundamental similarities of their work and the progressively systematic nature of the procedures required harmonization and coordination in order to obtain greater efficiency, effectiveness and complementarity.

4. With a view to taking advantage of the widest range of relevant experience, it is to be noted that the participants included independent experts from the advisory services programme of the United Nations whose work has essential similarities to that of the special procedures.

5. In the absence of a specific budgetary allocation by the legislative authorities in order to facilitate the present meeting, the gathering was made possible by bringing together the participants on the same dates in Geneva during consultations anticipated for each mandate.

6. For the conduct of the proceedings of the meeting, Mr. Ivan Tosevski was elected Chairperson. Mr. Nigel Rodley was elected Rapporteur.

7. The meeting opened with an address by Mr. José Ayala Lasso, High Commissioner for Human Rights, followed by an address by Mr. Ibrahima Fall, Assistant Secretary-General for Human Rights. The High Commissioner in his address outlined his perspective on his office in general and the role he intends to play vis-à-vis the participants, whose welcoming reactions are reflected in paragraph 17 below. The Assistant Secretary-General provided a valuable introduction on the origins of the meeting and some of the problems

that had given rise to it, which would be key matters for consideration. The remarks made by Mr. Ayala Lasso and Mr. Fall are contained in the addendum to the present document (E/CN.4/1995/5/Add.1). The participants expressed their gratitude for the Assistant Secretary-General's initiative in convening the meeting, following upon the two earlier ones he had convened (as mentioned above), and for the useful background documentation furnished.

I. SUMMARY OF THE DISCUSSION

A. Methods of work

8. Participants expressed a general interest in receiving some basic information about the system of special procedures, its history, examples of previous work accomplished, and practical details relating to administrative matters. Several participants also expressed the desire to receive guidance upon appointment, for example in the form of a manual, regarding the nature and framework of the work; the flexibility of differing mandates or diverse topics would be respected. It was the consensus of the group that steps in this direction would have considerable benefits in terms of the conduct of subsequent work.

9. Concern over the receipt and handling of information was expressed by many participants. Simply receiving information, even from formal bodies and in processed form, was said to be a difficulty; the idea of establishing electronic databases within the Centre for Human Rights and available directly to all participants was very much welcomed. Participants expressed the desire to receive expeditiously as much relevant information as possible. The processing of that information, together with detailed and confidential information gathered by the experts, was also viewed as inadequate; matters of confidentiality and security gave rise to some added concern. In addition, difficulty in establishing and maintaining dialogue with sources was said to be a common problem.

10. Approaches to fact-finding, particularly in terms of in situ investigations, was the subject of considerable discussion. Concerns were expressed over inadequacies in preparation and timing of missions due both to the technical problem of waiting for the approval of mandates by the Economic and Social Council (especially in the case of country mandates) and the serious lack of human and other resources in support of the procedures. It was felt by some that more flexibility in deciding the timing and planning of missions was desirable and that it could be partly obtained if the problems regarding the approval of mandates and the lack of human resources were to be resolved. The ability to act or react to emergency situations and the need for adequate follow-up action were also subjects of discussion.

11. In relation to fact-finding and in situ investigations, joint missions were advocated where appropriate. However, some participants maintained that such missions should not become a standard part of fact-finding and that they should be conducted with the utmost flexibility.

12. Irrespective of the formulation or conduct of investigations, and in carrying out their responsibilities in general, a number of participants drew attention to the inherent problems concerning the immunities and personal

security (including legal implications) of the special rapporteurs. They also drew attention to the security problems of staff assigned to special rapporteurs, especially staff located in the field. It was the unanimous view of the participants that more thought had to be given to ensuring their personal security and that specific measures had to be taken to this end. Some participants further suggested that the security of local non-governmental human rights monitors also required consideration.

13. On the subject of relations with the Commission on Human Rights and the scheduling of activities under the various procedures, participants voiced their concerns over the inadequacies of the present system. The proximity of the debates in the General Assembly and the Commission on Human Rights was said to be detrimental to the full consideration of the serious issues raised in the reports submitted by the independent experts; postponement of the dates of the Commission was advocated. In addition to the scheduling of the debates by the legislative bodies, participants expressed concern that the present treatment of reports does not contribute to the fullest consideration of, and dialogue on, the matters reported. Many participants advocated a change of the proceedings at the Commission on Human Rights so as to enable more dialogue - both formal and informal - to take place between the independent experts and interested Governments and non-governmental organizations - prior to, subsequent to, or parallel with the Commission's debates.

14. In terms of the technicalities of reporting, it was suggested by some participants that the general effort to reflect government views should be followed by greater efforts to analyse responses and draw specific conclusions leading to detailed recommendations and action. Some participants suggested that, for many mandates, an essentially legal approach should be followed in such analysis and in drawing conclusions. Some participants also expressed the view that they were not merely chroniclers of events and violations, and that they were catalysts in a broader process of change.

15. Several participants expressed the view that it was vitally important to follow up in situ investigations, interventions and recommendations with, at a minimum, subsequent monitoring. It was the opinion of some participants that analysis of information and articulation of recommendations should always be made with a view to continuous monitoring so long as the mandate-conferring body may desire. Some participants also raised the question of means of intervening and reporting immediately as events occur, especially in relation to previous interventions and recommendations.

16. Dissemination of reports and general information about their activities was the subject of several interventions by participants. All participants advocated improvements in this area with a view to achieving broader dissemination through different means and all types of media, accessible to all communities. Possible translation and dissemination in non-official languages, depending upon the situation, was advocated by some participants, especially in the languages of specifically concerned parties and people. Several participants called for the creation of an annual United Nations report on human rights in the world which would compile, or at least reflect, the reports of all the procedures. With respect to relations with the press, it was suggested that press releases should be automatically issued for every mission and upon the release of every report. It was also suggested that the

repackaging of reports in various user-friendly forms and through more accessible means would improve relations with other entities and the public in general and could lead to the greater effectiveness of the work done. In the same vein, the organization of regional meetings was supported by some participants.

B. Cooperation within and outside the system

17. Participants expressed appreciation for the address of the High Commissioner for Human Rights and welcomed his pledge to assist them in precise and practical terms, particularly as regards effective follow-up to their recommendations. Other elements of the High Commissioner's address were the subject of discussion as the participants welcomed the High Commissioner's general outline of his perspective on his office and expressed wide and enthusiastic support for his declared initiatives and the prospects for a constructive relationship of mutual support. Many participants specifically welcomed the High Commissioner's commitment to assist them in relations with the United Nations administration and in relations with United Nations bodies, programmes and specialized agencies in order to facilitate their work.

18. It was the unanimous view of the participants that the fuller success of their work requires improved relations and closer cooperation with other bodies within and outside the United Nations system. This applies both to the receipt and analysis of information and to the dissemination of information, especially the reports under the procedures. Some participants suggested that better cooperation could be facilitated through, for example, the placement of human rights officers in UNDP offices or through the training of various United Nations personnel, in particular in the framework of peace-keeping operations, to stimulate a culture of human rights within the broader United Nations system which, in turn, would lead organically to improvements in relations.

19. The desire for improved relations with the United Nations treaty bodies was often voiced by participants, particularly in terms of taking into consideration each others' reports vis-à-vis the review of country situations. Participants expressed the hope that constructive steps could be taken in this direction.

20. Within the United Nations system, attention was drawn to the complaint procedures of United Nations specialized agencies, particularly UNESCO and ILO. The vital work of UNESCO in the field of education in the promotion of human rights was mentioned several times as was the need for support for these efforts by the special rapporteurs.

21. Outside the United Nations system, some participants strongly advocated establishing or developing relations and coordination with regional human rights bodies in order, inter alia, to take advantage of the substantial work accomplished in those institutions and so as to have a wider impact in practical terms. Participants also stressed the importance of close relationships with non-governmental bodies and community groups.

C. Resources and administration

22. Participants emphasized the increasing number of special procedures which the Centre for Human Rights must service. It was noted that the number of such procedures, which was 4 in 1980, 13 in 1990 and now stands at 26, has not been followed by a commensurate increase in human and other resources. Moreover, the workload within such mandates has also been growing rapidly. Resolving this issue has become more urgent in so far as human rights concerns increasingly play a role at the Security Council, for example in the context of peace-keeping operations. Consequently, participants were unanimous in their view that the human and material resources available to them for the fulfilment of their mandates are wholly inadequate owing to the simple paucity of budgetary allocations to the Centre for Human Rights in general and in particular for their specific mandates. In the light of chronic under-funding, participants voiced their concern that the integrity of the procedures could be in jeopardy with negative consequences for the system as a whole and especially for individual victims. Participants suggested that, as a minimum, no mandate should be established without the assistance of one full-time staff member. It was also suggested that a corps of regional and country expertise should be available for the entire Centre for Human Rights.

23. With regard to the technical requirements of their reporting, participants expressed their difficulties with strict page limitations for reports, especially for thematic mandates which frequently respond to cases in a large number of countries.

D. Statement of support for the Special Rapporteur on the situation of human rights in the Sudan

24. In relation to concerns over the personal integrity and security of independent experts responsible for the special procedures and advisory services programme for the protection of human rights, participants unanimously adopted a statement of support for the Special Rapporteur on the situation of human rights in the Sudan who, as a result of his report to the fiftieth session of the Commission on Human Rights, had been subjected to personal attacks by a representative of the Government of the Sudan with serious implications for his personal security. A copy of the statement is found in appendix II to this report.

II. RECOMMENDATIONS

25. In deciding to formulate its recommendations, the participants were motivated by a number of considerations:

We are conscious of having been chosen to discharge mandates which require professionalism, independence, impartiality and a commitment to enhancing respect for the dignity of the human person;

We are aware of the limits of international action in guaranteeing the observance of internationally recognized norms and standards in the field of human rights and particularly aware of the limitations affecting any single procedure for addressing human rights violations;

We do not underestimate the importance of our central function of reporting to the best of our ability on the incidence of human rights violations in the fields or countries we are mandated to deal with;

We appreciate the encouragement we receive to make recommendations to States on measures they could take to prevent human rights violations;

We cannot avoid dismay when we see that in too many countries grave and widespread human rights violations continue to occur;

We wish to ensure that, despite the limitations inherent in our mandates, we carry out our functions as efficiently and effectively as possible;

We believe it is important that a body of procedures that has evolved on an ad hoc basis seek to operate rationally, systematically and fairly, in particular, avoiding the creation of confusion and unnecessary duplication of demands on Governments;

We welcome the establishment of the post of United Nations High Commissioner for Human Rights, share his view of our relationship with him as "complementary, mutually supportive and essential to the improvement of respect for human rights throughout the world" and warmly welcome his commitment to enhance and strengthen every aspect of our work.

26. These are the recommendations:

(a) We should seek, as far as possible and subject to the integral discharge of our mandates, to avoid unnecessary duplication of efforts (for us, for the Secretariat and for Governments) by such means as more efficient sharing of information and pursuing the possibilities of joint missions. The part-time nature of our work, our geographic dispersal and limitations on the resources and in the organization of the Secretariat will condition our ability to give effect to this objective. Holders of country and thematic mandates should enhance cooperation in the discharge of their mandates. Wherever a peace-keeping operation in a particular country has a human rights component, means should be found to promote effective coordination with a Commission mandate on that country, with a view to ensuring the complementarity and specific contribution of each function. In all circumstances rapporteurs should aim to cooperate and coordinate with the office of the High Commissioner for Human Rights. We endorse the intention that joint meetings of special rapporteurs/representatives/experts and chairpersons of working groups be convened on a periodic basis, preferably without adversely affecting our consultation visits to Geneva;

(b) We believe that a constantly updated manual or, in any event, guidelines, should be available to new holders of mandates established by the Commission on Human Rights, to provide guidance on how the system of procedures works, what the options for action may be and how they should expect to relate to the Secretariat, including the extent of servicing available to them, and to other parts of the United Nations system, both in the human rights sector and otherwise. It should also contain the texts of the human rights instruments;

(c) In the spirit of wishing to be of maximum use to the Commission on Human Rights, to which all of us report, we suggest that the Commission consider ways and means to ensure, on the one hand, the implementation of the conclusions and recommendations contained in our reports and, on the other hand, to subject these reports to more systematic examination. One idea would be to arrange meetings, not necessarily in plenary session (though there would still be a formal presentation to the plenary), in which the special rapporteurs/representatives/experts and chairpersons of working groups could respond to questions from Commission members and observers. Such consultations could also assist in the preparation of resolutions. The meeting would welcome an opportunity to present its concerns to the Commission's working group on the organization of the work of the Commission, to be held from 12-23 September 1994;

(d) We support the idea of postponing annual sessions of the Commission for two to three months as a means of overcoming problems relating to the timing of the submission, processing, translation and distribution of our reports, of reducing the delay (and consequent interruption of our work) between our appointment or reappointment and confirmation by the Economic and Social Council and to allow for a more appropriate interval between the General Assembly and the Commission on Human Rights;

(e) The system of field missions and the establishment of field monitors, if expanded, could have a dramatic impact on the effectiveness of our work. In any event, the support extended to us on missions from United Nations field offices should be substantially enhanced by the provision to the personnel of those offices of appropriate training in human rights matters and in how they could assist in a regular way the United Nations human rights system, in particular, in gathering relevant information. We also need to be kept abreast of the work of regional systems of human rights protection;

(f) We look forward to the support offered by the High Commissioner for Human Rights in seeking means to follow up our recommendations more effectively;

(g) Technology and facilities need to be made available to make our work more accessible to the world at large, in particular to the local populations concerned. Joint compilations of our findings, interestingly presented, could be valuable. We need to find means, jointly and with the help of the Secretariat, of ensuring that the press and other media of mass communication do not overlook the subject-matter of our work;

(h) We appeal to non-governmental organizations (NGOs) whose work and information is crucial to human rights protection and to the effective discharge of our own mandates to continue providing us with relevant information and ideas. We respectfully urge the Economic and Social Council and its Committee on Non-Governmental Organizations to encourage the submission of applications for consultative status from human rights NGOs in regions from which disproportionately few come and to give sympathetic consideration to such applications. We invite NGOs to consult with us, especially during our consultation visits to Geneva and on mission;

(i) We repeat our concern at the existing and increasing strain that our work places on the staff members of the Centre for Human Rights, who are already overworked. We realize that the implementation of many of these recommendations will place a greater burden on them. The limited recent increase in their numbers, mainly regularizing existing temporary posts, will not offer a substantial alleviation of the burden. No doubt improvements could be made in the recruitment, organization and administration of the staff, but these could not be expected to overcome the structural resource deficit. Indeed, some needed improvements, such as a corps of regional and country expertise, would be relatively resource intensive. We therefore urgently appeal to the Secretary-General and the responsible organs of the United Nations to devote to the cause of human rights a budgetary priority commensurate with its needs and with the increasing role it plays in the implementation of the objectives of the United Nations.

APPENDICES

Appendix I

LIST OF PARTICIPANTS

Mr. A. Amor	Special Rapporteur on the elimination of all forms of religious intolerance and of discrimination based on religion or belief
Mr. A. Artucio	Special Rapporteur on the situation in Equatorial Guinea
Mr. M. Balanda	Chairman, Ad Hoc Working Group of Experts on southern Africa
Mr. E. Bernales-Ballesteros	Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination
Mr. G. Bíró	Special Rapporteur on the situation of human rights in the Sudan
Mr. M.T. Bruni Celli	Special Rapporteur on the situation of human rights in Haiti
Ms. R. Coomaraswamy	Special Rapporteur on the elimination of violence against women
Mr. P. Cumaraswamy	Special Rapporteur on the independence and impartiality of the judiciary
Mr. F. Ermacora	Special Rapporteur on the situation of human rights in Afghanistan
Mr. R. Felber	Special Rapporteur on the Palestinian occupied territories
Mr. M. Glele-Ahanhanzo	Special Rapporteur on racism, racial discrimination and xenophobia
Mr. C.J. Groth	Special Rapporteur on the situation of human rights in Cuba
Mr. A. Hussain	Special Rapporteur on freedom of opinion and expression
Mr. L. Joinet	Chairman, Working Group on Arbitrary Detention
Mr. M.D. Kirby	Special Representative of the Secretary-General on Cambodia

Mr. T. Mazowiecki	Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia
Mr. V. Muntarbhorn	Special Rapporteur on the sale of children, child prostitution and child pornography
Mr. B.W. Ndiaye	Special Rapporteur on extrajudicial, summary or arbitrary executions
Ms. M. Pinto	Independent Expert on the situation of human rights in Guatemala
Mr. N. Rodley	Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment
Mr. I. Tosevski	Chairman, Working Group on Enforced or Involuntary Disappearances
Mr. M. van der Stoel	Special Rapporteur on the situation of human rights in Iraq
Mr. Y. Yokota	Special Rapporteur on the situation of human rights in Myanmar

Appendix II

STATEMENT ON THE POSITION OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN THE SUDAN

Meeting at the United Nations Office at Geneva from 30 May to 1 June 1994, the special rapporteurs/representatives/experts and chairpersons of the working groups of the special procedures and the advisory services programme of the Commission on Human Rights, charged with the promotion and protection of human rights throughout the world, made the following statement:

"At the meeting of the Commission on Human Rights on 17 February 1994 a government representative made a grave allegation against our colleague, Mr. Gáspár Bíró, Special Rapporteur on the situation of human rights in the Sudan.

"The right to disagree with reports, and with the findings and recommendations within them, is fully acknowledged. However, it is not acceptable for government representatives to express their comments on the content of reports in terms which cast doubt upon the integrity of the special rapporteurs, special representatives, experts or chairmen of working groups or to make intimidating statements addressed to rapporteurs designed to deflect them from performing their duty. As the Chairman of the Commission on Human Rights said, in a solemn declaration, to cast doubt on the integrity of special rapporteurs is to call into question the integrity of the Commission itself, for the Rapporteurs are the agents of the Commission.

"Our duty is to complete our respective mandates without partiality, without being deflected by considerations such as nationality, gender, ethnic origin, race, religious creed or political opinion, and to do so with complete independence and integrity.

"It is essential that special rapporteurs, representatives, experts and members of working groups continue to perform the mandates entrusted to them by the Commission on Human Rights without intimidation, with complete independence and in the knowledge of the full support of the United Nations and of its Commission on Human Rights.

"It is for this reason that we express our complete solidarity with Mr. Gáspár Bíró, Special Rapporteur on the situation of human rights in the Sudan."

The present statement is being sent to the Chairman of the Commission on Human Rights for the information of the members of the Commission and to the Secretary-General of the United Nations, the High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights, confident that they will use their good offices to ensure that the repetition of such incidents is avoided in the future.